

EXHIBIT I



FREEPORT POLICE DEPARTMENT

GENERAL ORDER 21F

ISSUED DATE: 4/4/1995	EFFECTIVE DATE: 3/11/2000	REVISED: 3/10/2000
SUPERSEDES: GO 3-78	RE-EVALUATION DATE: PAGE 1	of 4
SUBJECT: MOTOR VEHICLE IMPOUNDS		
DISTRIBUTION: TO ALL MEMBERS OF THE DEPARTMENT		
ISSUING AUTHORITY: MICHAEL E. WOODWARD, CHIEF OF POLICE		

POLICY

It is the policy of the Freeport Police Department to develop and implement guidelines for the proper recording of data on impounded motor vehicles.

PURPOSE

The purpose of this order is to set guidelines for recording the required information on impounded vehicles and the release of vehicles.

POLICY

A. MEMBERS OF THIS DEPARTMENT SHALL IMPOUND THE FOLLOWING MOTOR VEHICLES:

1. All recovered stolen vehicles, except if the owner is present;
2. All abandoned vehicles as defined in Article 1224 and 1600 of the Vehicle and Traffic Law or Article 1, Sec. 4, of the Vehicle and Traffic Regulations of the Freeport Code;
3. Any vehicle involved in a crime where the vehicle is seized at a crime scene as evidence, or for processing in connection with a criminal investigation or accident investigation.
4. Any vehicle involved in the transportation, sale or possession of a controlled substance that constitutes a felony, as defined in Article 220 of the New York State Penal Law;
 1. Such a vehicle shall be inspected by an administrative lieutenant to determine if the vehicle should be released or forfeited under federal or state law.
5. Any vehicle where the operator is removed subsequent to an accident, aided case or an arrest, and no other person present can lawfully assume control of the vehicle, or it cannot be parked legally with reasonable safety at the scene;
 1. When such a vehicle is released by the owner to another person for removal or for parking at the scene, it shall be noted on the appropriate Freeport Police Department report form.

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6. Any vehicle involved in a Vehicle and Traffic Law violation where the elements of the violation charged preclude the legal, safe operation or parking of the vehicle, or when the operator/owner refuses to or cannot afford to tow the vehicle away;
7. Except for parked unoccupied vehicles, any vehicle being operated while unregistered or with an expired, revoked, or suspended registration;
8. Any vehicle involved in a Vehicle and Traffic Law violation where it is mandated by law to impound the vehicle.

B. IMPOUNDED VEHICLE

1. All impounded vehicles will be given a Freeport impound number which will be generated by the computer system. A case report will not be required with an impound.
2. The officer impounding the vehicle will be responsible for;
 1. Completing the Freeport Police Department's Impound Form.
 1. The entire form is to be completed
 2. Owner's information is to come from a registration card or a NYSPIN DMV printout
 3. Have the tow truck operator sign the form. Information not available to the officer at the time the tow truck operator is present for the impound need not be filled in on the report.
 4. Indicate the name of the Desk Officer at the time the vehicle is impounded.
 2. Attaching any NYSPIN printouts to the impound form.
 3. Turning the impound form in to the Desk so that a NYSPIN impound alarm can be transmitted.
3. The Desk Officer will be responsible for seeing that;
 1. an impound number is taken on all vehicles impounded by the Freeport Police Department.
 2. all impounded vehicles are checked for loss and ownership.
 3. all impounded vehicles have an impound alarm transmitted except;
 1. when the vehicle already had a NYSPIN alarm on it, or
 2. when the vehicle owner knows the vehicle is being impounded. This is to be documented on the impound form.
 4. the impound form is completely filled out.
 5. his/her serial and shield number are noted.
 6. *the impound is entered into the impound section of the impact program by the end of his/her tour.*
4. Whenever a member of this department encounters an abandoned motor vehicle, pursuant to Section A. (2) of this order, every reasonable effort should be made to determine ownership of the vehicle and, if successful, attempt to notify such owner to remove the vehicle before impounding same.
5. *Impounds which require a hold:*
 1. impounds which require a hold on them must be authorized by a Sergeant, Lieutenant or Detective. The name of the person authorizing must be on the impound report.
 2. when a hold has been removed from an impounded vehicle, the name of the Detective, or Supervisor authorizing the release must be added to the impound narrative.

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C. INVENTORY SEARCH OF VEHICLE

Inventory search shall be conducted in accordance with current U.S. Supreme Court and N.Y. State Court of Appeals decisions which shall be administratively reviewed on a regular basis. New York courts have recognized inventory searches as an exception to the warrant requirements of the fourth amendment, and the Court of Appeals has found that inventory searches serve three interests:

1. They protect the owner's property while it is in the custody of the police;
2. They ensure against claims of lost, stolen or damaged property; and
3. They protect the police from danger.

Accordingly, inventory searches will be conducted as an administrative caretaking function, rather than as a search for evidence. The following procedures will be adhered to in all inventory searches:

1. The officer conducting any inventory search shall, where possible, be an officer other than the arresting officer or officer ordering the impoundment.
2. Inventory reports must be completed at the time of the search, and must include a complete inventory of all personal property.
3. In the event property is returned to the operator of the vehicle rather than remaining with the vehicle, the items returned must be recorded in the impound report, and the operator of the vehicle must sign a receipt for the items delivered to him.
4. The inventory search of a vehicle constitutes a full search of the entire vehicle and all containers, closed or otherwise.
5. Closed containers may not be more than slightly damaged to open same, unless the department has the consent of the owner, or there exist exigent circumstances necessitating the opening of the package. Owners giving consent are to complete a Consent To Search Form
6. Any vehicle impounded for evidentiary purposes shall be inventoried immediately after crime scene processing or upon completion of the execution of a search warrant involving the vehicle.

D. IMPOUND RELEASE

1. Vehicles can be released Monday thru Friday 9:30 A.M. to 3:30 P.M. except for village holidays. The \$ 25.00 impound processing fee, set by the Board of Trustees on January 30, 1995, is paid at the treasurers office in village hall. All impounds except for recovered stolen autos or vehicles impounded for safekeeping will require the impound processing fee.
2. Impounded vehicles may be released to the owner or authorized representative of the owner if the following requirements are satisfied.
 - a. An authorized representative must have a notarized letter from the vehicle owner indicating:
 1. Authorization to act on owner's behalf in obtaining release.
 2. Description of vehicle, including make, model and VIN.

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- b. The owner or authorized representative must present:
 1. For titled vehicles, the title or current registration if title has not been received from DMV.
 2. For untitled vehicles, a valid registration or transferred registration.
3. The vehicle must be towed from the impound yard by legal means if:
 - a. The vehicle is unregistered.
 - b. The owner or his/her representative or person present with him/her doesn't have a valid drivers license.
 - c. If the vehicle is to be towed, the impound release must be marked accordingly in the "remarks" section of the release form.
4. The impound release will be entered into the police computer system by the officer releasing the vehicle and print the release form from the computer system.
5. The person claiming the vehicle will sign the vehicle release form.
6. The officer releasing the vehicle will sign the release form at the bottom, give a copy to the claimant, and forward the original copy of the impound form to the clerical office. It will not be necessary to have the impound form at the desk when releasing a vehicle.
7. Cancel the NYSPIN impound alarm prior to the vehicle being released to the owner.

BY ORDER OF: ORIG. GO 7-95 REV
MICHAEL E. WOODWARD
CHIEF OF POLICE